



## Procedure Bylaw Guide: For B.C.'s Local Governments

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### DISCLAIMER

The *Procedure Bylaw Guide: For B.C.'s Local Governments* is a tool created to support the efforts of the *Working Group on Responsible Conduct*. The guide is a product of collaboration between the Ministry of Municipal Affairs and an advisory group from the Local Government Management Association.

The *Working Group on Responsible Conduct* (Group) is a joint initiative between the Union of BC Municipalities, the Local Government Management Association, and the Ministry of Municipal Affairs. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.

The information contained in the *Procedure Bylaw Guide: For B.C.'s Local Governments* is provided as general reference and while all attempts have been made to ensure the accuracy of the material – the guide is not a substitute for provincial legislation.

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## PART 1 - INTRODUCTION

### What is the Purpose of This Guide?

The intent of this guide is to help local governments proactively consider and change their procedure bylaw so clear processes are in place to help address challenging situations and support positive interactions.

This guide provides information that local governments, the public and stakeholders can use to better understand the purpose and importance of a local government's procedure bylaw. Local government staff can use this guide to foster collaborative council and board discussions to customize the procedure bylaw to meet the needs of their community.

The information in this guide is based on the *Local Government Act* and the *Community Charter*.

Some of the same information will apply to the City of Vancouver and the Islands Trust, however there are differences in the applicable legislation.

This guide highlights the legislative requirements for procedure bylaws, best practices and other resources to facilitate council or board procedure bylaw conversations. The applicability of the best practices in this guide may vary by local government depending on population size and needs of the council or board and staff.

### What is a Procedure Bylaw?

Municipal councils and regional district boards are legislatively required to have an adopted procedure bylaw that establishes procedures for council or board meetings.

Procedure bylaws are one tool used to set shared expectations for process, procedure and conduct at council and board meetings. Procedure bylaws include rules for how meetings are conducted, how decisions are made and recorded, how participants (including the public) are involved in meetings, and how other meeting matters, such as meeting schedules and notice requirements are handled. When used effectively a procedure bylaw provides for efficient meetings and transparent decision-making.

Local government legislation defines "council committee" or "board committee" as:

- A select committee of a council or board,
- A standing committee of a council or board, or
- Any other body established by a council or board that is composed solely of council or board members.

Some elements of procedure bylaws are legislatively required, while others are council or board choice and based on best or common practice provided in rules of procedure.

Procedure bylaws apply to meetings of council or board and select or standing committees of council or board.

### Why is a Procedure Bylaw Important?

Local government meetings are gatherings where council and board members collectively move towards or make decisions. Most meetings of council or board are open to the public to facilitate public transparency and accountability. In order to be effective as collective decision-makers, each council or board member must understand and follow a shared set of rules.

Robust procedure bylaws may help councils and boards proactively set a positive tone for meetings. Clear procedure bylaws allow councils or boards and staff to encourage a collaborative approach that fosters respectful conduct and open debate at meetings. Understanding meeting processes and procedural rules enables council members and regional district directors to know what is expected and act accordingly.

Procedure bylaws support the governance process so that the public, council, board members and local government staff understand how decisions are made and what to expect at meetings. The conduct of meetings may reflect how residents perceive local government operations.

## Considerations in Developing a Procedure Bylaw

Procedure bylaws set the stage for how council and board members, staff and the public interact with each other at meetings. Within procedure bylaws there is an opportunity to incorporate the four foundational principles of responsible conduct developed by the Working Group on Responsible Conduct to help guide council and board interactions and decision-making. The foundational principles are:

- Integrity;
- Accountability;
- Respect; and,
- Leadership and collaboration.

Integrating these principles throughout a procedure bylaw helps set clear expectations of engagement and process. Many of the best practices provided in this guide incorporate the foundational principles of responsible conduct.

A council or board may also have a range of policies that support good governance that they may choose to cross-reference or connect to in the procedure bylaw such as a code of conduct, bullying and harassment policy, social media policy, meeting technology policy, administrative corrections or correspondence policy.

### What is Responsible Conduct?

Responsible conduct is grounded in conducting oneself according to principles, such as honesty and integrity, in a way that furthers a local government's ability to provide good governance to their community.

The Working Group on Responsible Conduct is a joint initiative of the Union of BC Municipalities, the Local Government Management Association of BC and the Ministry of Municipal Affairs.

The staff-level working group was formed to better understand issues related to responsible conduct and to explore how B.C.'s responsible conduct framework could be further strengthened.

Resources from the Working Group on Responsible Conduct include:

- [Foundational Principles of Responsible Conduct](#)
- [Model Code of Conduct](#)
- [Getting Started on a Code of Conduct for your Council/Board](#)

## PART 2 – TAKING OWNERSHIP OF THE PROCEDURE BYLAW

Councils and boards may review and amend their procedure bylaw on an ongoing basis to ensure it addresses local government and community needs. Councils and boards that proactively set behavioural expectations by incorporating the foundational principles of responsible conduct increase the likelihood of effective meetings. Part two of this guide provides information on the legislative requirements to have in mind when amending procedure bylaws and things to consider before making changes to the bylaw.

### Understanding the Procedure Bylaw

It is important that local government staff, councils and boards, and the public are aware of and understand the procedure bylaw and related policies before changes are made. After council or board members have attended several meetings using the procedure bylaw, they will be in a better position to determine if changes to the bylaw are needed to better suit local circumstances. Local government staff may also identify sections that need to be updated as they use the procedure bylaw.

To foster understanding of a procedure bylaw, consider the following:

- an annotated (provides commentary on why a particular section may be important) version of the procedure bylaw may be useful for training and reference purposes;
- prior to an election, include a copy of the procedure bylaw in the nomination package;
- after an election, introduce council or board members to the procedure bylaw through one or more orientation sessions;
- have staff, contractor or solicitor support elected officials (especially the presiding official) on how to conduct meetings in accordance with the procedure bylaw; and,
- provide time for the council or board to become familiar with and use meeting procedures before changes are made.

Staff and elected officials have different roles throughout the process of using and making changes to a procedure bylaw.

Typically, staff present recommendations to improve a procedure bylaw and the elected officials make collaborative decisions about incorporating changes.

### Thinking of Changing the Procedure Bylaw?

Local government staff and elected officials both have a role in considering changes to the procedure bylaw. Staff or elected officials may bring forward sections of the procedure bylaw for review – for example if new technology is introduced for minutes or agendas. It is best practice to proactively make changes to the procedure bylaw; however, in some cases staff or elected officials may determine that a section of the procedure bylaw needs to be updated based on an issue that has arisen (for example, how to conduct electronic meetings). The procedure bylaw can be regarded as a living document that will need to be amended from time to time.

When thinking of changing the procedure bylaw consider the following:

- when new meeting technologies are introduced, consider whether changes need to be made in the procedure bylaw, for example electronic meeting agendas;
- consider an appropriate time when a council or board may work together to discuss ways to improve the procedure bylaw. For example: at a workshop or strategic planning session; and,
- provide on-going training through regular review of specific sections of the procedure bylaw to help council or board members stay current, better understand and determine if each section is still effective. Set a timeline for an in-depth review of sections (for example, quarterly).

## Questions to Consider:

- Do council or board members and staff understand the purpose of the procedure bylaw?
- Why is amending the procedure bylaw necessary?
- What are the key objectives in amending the procedure bylaw?
- What process do we want to undertake to consider and decide on amendments?
- What will be our regular process for reviewing the bylaw?

## Process for Amending the Procedure Bylaw

Before the procedure bylaw is amended provide the public with information on the importance of the procedure bylaw and why they may be interested in proposed changes, such as how delegations are heard at meetings and how items may be added to the agenda. In addition to the legislative notice requirements for amendment of a procedure bylaw, a council or board may want to include information about procedure bylaws to educate the public around the purpose and importance of a procedure bylaw.

### Municipalities

#### Legislative Requirements

- Before amending or repealing and substituting the procedure bylaw, a council must publish notice describing the proposed changes.

#### Municipalities

*Community Charter*

Section 124 Procedure bylaws

#### Best Practices

- Provide written notice of proposed amendment(s) to each council member before the meeting where the amendment(s) is to be introduced; and,
- Provide notice on the website and social media in addition to the newspaper to reach a wider audience and to help educate the public on the importance of a procedure bylaw.

### Regional Districts

#### Legislative Requirements

- Before amending the procedure bylaw, a board must mail notice of the proposed amendment(s) to each director at least five days before the meeting where the amendment is to be introduced.

#### Regional Districts

*Local Government Act*

Section 225 Procedure bylaws

#### Best Practice

- Provide public notice in a newspaper, website and social media to notify and help educate the public on the importance of a procedure bylaw.

## PART 3 – SECTIONS OF A PROCEDURE BYLAW

Part 3 of this guide outlines the legislative requirements (if applicable) that must be included in a procedure bylaw and best practices that may be included in procedure bylaws. Part 3 of this guide covers the topics typically included in procedure bylaws, starting with a list of the legislative requirements and then exploring many of those requirements and best practices in more detail.

Most of the legislative requirements for procedure bylaws apply to both regional districts and municipalities; however, in some sections municipalities and regional districts have been separated when there are differences in the legislative requirements.

While there are fewer legislative requirements for regional districts regarding what must be in the procedure bylaw, regional districts are still subject to the principles of accountability, transparency and good governance so most regional districts include similar content to that of a municipal procedure bylaw.

### Legislative Requirements for Procedure Bylaws

#### Municipalities

- Establish rules for council meetings and council committee meetings, including how bylaws are adopted and how resolutions are passed;
- Provide for the taking and certifying of minutes at council meetings and council committee meetings;
- Provide for advance public notice of the date, time and place of council and council committee meetings;
- Identify places as the public notice posting places;
- Establish the procedure for designating a council member as the acting mayor when the mayor is absent;
- Establish the method for the members present to choose the presiding member if the mayor and designate are absent;
- Set the first council meeting date after a general election; and,
- Regular meetings must be held in accordance with the procedure bylaw.

#### Municipalities

##### *Community Charter*

- Section 124 Procedure bylaws
- Section 125(1) and (3)(a) Council meetings
- Section 135 Requirements for passing bylaws
- Section 130 Designation of member to act in place of mayor

#### Regional Districts

- Establish rules for board meetings and board committee meetings, including how bylaws are adopted and how resolutions are passed;
- Provide for advance public notice of the date, time and place of board and board committee meetings; and,
- Identify places as the public notice posting places.

#### Regional Districts

##### *Local Government Act*

- Section 225 Procedure bylaws

### Role of Council or Board in Conduct and Debate

The local government legislation sets out the roles of council members and regional district directors including:

- accountability of councils and boards through meetings and procedures;
- public engagement processes; and,
- rules to guide the deliberations of elected officials.

## Municipalities

### *Community Charter*

- Section 114 Council as governing body
- Section 115 Responsibilities of council members
- Section 116 Responsibilities of mayor
- Section 132 Authority of presiding member
- Section 133 Expulsion from meetings

The mayor of a municipality or the chair of a regional district board (presiding member) typically preside at meetings, which means they are responsible for conducting the meeting and maintaining order.

The responsibilities of the presiding member include leading deliberations and the collective decision-making process by chairing the meeting, maintaining the order and conduct of debate, ensuring meeting rules are followed and the differing viewpoints are heard. The presiding member may vote and make motions at meetings.

Clear rules of conduct and debate fosters respectful and collaborative meeting process.

## Legislative Requirements

- The presiding member must preserve order and decide on points of order;
- If a member appeals the decision of the presiding member, the question of whether the presiding members' decision will stand must be asked by the presiding member and voted on without debate and without the presiding member voting. In this situation, if votes are tied the motion passes (details in Tie Votes box, page 22);
- If the presiding member refuses to ask the question appealing the presiding members' decision the council or board must appoint another member to act as presiding member temporarily;
- If the presiding member considers another person to be acting improperly, they may order that person be expelled from the meeting – that could include a member of the public or another council or board member; and,
- If the expelled person does not leave a peace officer may enforce the order.

## Regional Districts

### *Local Government Act*

- Section 215 Chair and vice chair of board
- Section 216 Responsibilities of chair
- Sections 226(1)(b) and 226(3) Board proceedings: application of *Community Charter*

## Best Practices

- Discuss and decide what “acting improperly” means for the council or board, staff and public and how it will be captured in the procedure bylaw;
- Provide expectations for council or board member behavior in the conduct and debate section of the procedure bylaw:
  - respectful language and conduct;
  - a reasonable length of time a council or board member can speak on a matter;
  - use of electronic devices in meetings;
  - restrict debate to the motion on the floor;
- Connect existing policies that are related to the responsibilities of council or board members, such as social media policies and codes of conduct into the procedure bylaw;
- make provision for a member who has been expelled to apologize and, by resolution of council or board members, provide for them to retake their seat at the meeting; and,
- outline how the conduct and debate section applies to public delegations and invited presenters.

## Designating a Member to Act in Place of the Mayor

The role of mayor requires additional responsibilities that the legislation only contemplates one person being responsible for at one time. The process for designating a councillor to act in place of the mayor may be different for a short-term leave (for example, a vacation) and a long-term leave (for example, an illness).

### Legislative Requirements

- Establish the procedure for designating a council member as the acting mayor; and
- Establish the method for the members present to choose the presiding member if the mayor and designate are absent.

### Best Practices

- Adopt a resolution at the inaugural council meeting or annually to designate council member(s) as the acting mayor;
- For a short-term leave of absence designate the position of acting mayor on a rotating basis or for a set time period until the next general local election when the mayor is absent or otherwise unable to act;
- For a long-term leave of absence designate the position of acting mayor through election by the members;
  - Outline the process to elect the acting mayor, which may include:
    - how nominations are made;
    - how a nomination can be made if the candidate is not present at the meeting;
    - a process to conduct the vote by secret ballot using a ballot box;
    - whether time (and how much) is provided for candidates to address council;
    - a procedure for ballot counting; and,
    - a process for a tie.
- Cross-reference or connect to the municipality's elected official leave of absence policy;
- Provide that the acting mayor will fulfill the responsibilities of mayor during his or her absence;
- Provide that the member designated as the acting mayor has the same powers and duties as the mayor in relation to the applicable matter;
- If both the mayor and acting mayor are absent from the council meeting provide that the next council member in the rotation will act as presiding member at the meeting or that if after a set time period both the mayor and acting mayor are absent the council members present will choose a member to chair the meeting; and,
- Provide that where possible the mayor notify the corporate officer if the acting mayor will be requested to act as chair.

#### Municipalities

##### *Community Charter*

- Section 124(2)(f) Procedure Bylaws;
- Section 130 Designation of the member to act in place of the Mayor

## Election of Chair and Vice Chair of the Regional District Board

### Legislative Requirements

- At the first meeting held after November 1 each year, the board must elect a chair and vice chair;
- The same rules and powers apply to the vice chair in the absence of the chair;
- If the chair and vice chair are not present the directors present must elect an acting chair; and,

#### Regional Districts

##### *Local Government Act*

- Section 215 – Chair and vice chair of board

- Each director present at the meeting has one vote in each election for an office.

### Best Practices

- Outline the process to elect the chair and vice chair in the procedure bylaw, which may include:
  - how nominations are made;
  - if the candidate is not present at the meeting how their nomination can be provided;
  - conducting the vote by secret ballot using a ballot box;
  - whether time (and how much) is provided for candidates to address the board;
  - procedure for ballot counting; and,
  - process for a tie.

## Application of Procedural Rules

Procedure bylaws typically defer to a more comprehensive resource, such as Robert’s Rules of Order, to guide situations that arise less frequently or are not explicitly set out in the procedure bylaw itself. For example,

In this guide “Procedural Rules” means the use of a standard resource that will guide decisions for things that arise at meetings that are not covered in the procedure bylaw. The most commonly used resource is Robert’s Rules of Order.

Robert’s Rules of Order may be consulted when a point of order (a question whether correct procedure is being followed) is raised and it is not covered in the procedure bylaw.

Procedural rules differ from the meeting procedure requirements in the procedure bylaw because these rules are not legislated, but rather commonly agreed upon rules and customs for deliberation and debate. Using these rules encourages all council and board members to use the same language and participate in deliberation and debate in the same manner, which helps to keep orderly, consistent and efficient meetings.

### Best Practices

- Determine which resource will be used to address cases not provided for under the procedure bylaw, for example:
  - [Robert’s Rules of Order](#);
  - [The Rules of Parliamentary Procedure of the Canadian House of Commons](#);
  - [The Standing Orders of the Legislative Assembly of British Columbia \(PDF\)](#); or,
  - *Bourinot’s Rules of Order*;
- Describe the resource as the “most current version,” rather than specific edition, because the edition may become outdated. For example, “the most current edition of Robert’s Rules of Order”, rather than “the 11<sup>th</sup> edition of Robert’s Rules of Order”; and,
- When creating a commission or other body, determine whether to apply existing council or board meeting procedures from the procedure bylaw or to design specific procedures for those bodies

#### Municipalities

##### *Community Charter*

- Section 123 General voting rules
- Section 132 Authority of presiding member

#### Regional Districts

##### *Local Government Act*

- Part 6: Division 3 – Voting and voting rights
- Sections 226(3) Board proceedings: application of *Community Charter*

## Application of the Procedure Bylaw to Other Bodies

When a council or board creates a commission or other body, it may determine whether to apply meeting procedures from the procedure bylaw, or to design specific procedures for those bodies.

## Legislative Requirements

- Open and closed meeting rules and the rules around expulsion from meetings apply to other bodies;
- The rules established by procedure bylaw for taking minutes apply to meetings of commissions or other bodies, unless the procedure bylaw provides other procedures for minutes of other bodies (details under Minutes, page 18); and,
- The record of minutes for other bodies must be available for public inspection unless the meeting has been closed to the public.

In addition to the legislative requirements, a council or board may choose to establish the procedural rules for commissions and other bodies.

## Best Practices

- In most cases, applying existing council or board meeting procedures will be the simplest approach. There may be reasons for council or board to establish customized rules of procedure for commissions and other bodies, either within the procedure bylaw or in a separate bylaw, for example:
  - in some communities there may be advantages to establishing rules for a staff member other than the municipal or regional district corporate officer to have overall responsibility for commission meeting minutes; or,
  - it may be appropriate to establish procedures that allow any member of council or board to participate in discussions and debates (but not vote) in a commission meeting.

### Other Bodies

#### *Community Charter*

- Part 4: Division 3 – Open Meetings
- Section 145 Application of procedure rules to other bodies
- Section 282(2)(c) General regulation authority (also applies to RDs 226(1)(c))
- Section 97 Other records to which public access must be provided

#### *Local Government Act*

- Section 226(1)(a)-(c) Board proceedings: application of *Community Charter*

### Municipalities

#### *Community Charter*

- Section 89 General rule that meetings must be open to the public
- Section 93 Application of rules to other bodies
- Section 134.1(2) Meetings and hearings outside municipality

## Open Meetings

All meetings of local government elected (councils and boards) and appointed bodies (such as committees, commissions and other subsidiary bodies) must be open to the public, unless the subject matter falls under the closed meetings provisions in the legislation. The requirement for open meetings is intended to be applied broadly, in keeping with the principle of openness, transparency and accountability.

All discussion and decisions must occur in properly called meetings, where the public can review the agenda and listen to the debate. Open meetings allow residents to understand how and why a council or board made a

decision or approved or adopted a resolution or bylaw.

## Legislative Requirements

- Meetings must be open to the public unless the subject matter relates to one of the items listed in the closed meetings section of the legislation
- Bylaws must only be read and voted on in open meetings;
- A resolution to close a meeting must be passed in the open part of a meeting and include the basis for that closure; and,

### Regional Districts

#### *Local Government Act*

- Section 226(1)(a) Board proceedings: application of *Community Charter*
- Section 224 Meetings and hearings outside regional district

- Councils and boards may by bylaw allow for meetings or other proceedings to be held outside of their boundaries.

The Ombudsperson’s Guide: [Open Meetings: Best Practices Guide for Local Governments](#) provides best practices for open meetings.

## Closed Meetings

There are certain circumstances where a council or board meeting or part of a meeting must or may be closed to the public by resolution. Meetings may only be closed for a purpose specified in the legislation. Procedure bylaw requirements, codes of conduct and rules of procedure continue to apply to councils or boards during closed meetings.

### Municipalities

#### *Community Charter*

- Section 90 Meetings that may or must be closed to the public
- Section 91 Other persons attending closed meetings
- Section 92 Requirements before meeting is closed
- Section 117(1)(b) Duty to respect confidentiality

Prior to adjourning a closed meeting, it is best practice to determine if any of the decisions made during the meeting could be made public by agreeing to “rise and report” at the next regular meeting. Providing a regular report about decisions made in closed meetings provides council an opportunity to regularly consider whether a decision can be made public, subject to the legislation or privacy rules.

Provide education about closed meeting processes and rules at an orientation and consider providing refresher sessions throughout the term of office to assist council or board members with understanding the closed meetings processes.

At the start of a closed meeting, the corporate officer may remind members about the specific subject matter that is authorized for discussion during the closed meeting and explain the legislative reason for closing the meeting.

### Legislative Requirements

- A resolution to close a meeting must be passed in an open meeting;
- The resolution must outline the applicable subsection of section 90 the *Community Charter* for which the meeting is to be closed;
- Minutes of closed meetings must include the names of all attendees (councils and boards have some limited discretion as to who may attend a closed meeting);
- Bylaws must not be read or voted on in closed meetings; and,
- Council and board members must keep information from closed meetings confidential until such a time the council or board decides the information can be released or discussed at an open meeting.

### Best Practices

- Provide that when an item arises during a closed meeting, which in the opinion of council or board, do not meet the criteria to be held in a closed meeting, it be referred to an open meeting or to staff;
- Provide public notice of closed meetings;

### Regional Districts

#### *Local Government Act*

- Section 226(1)(a) Board proceedings: application of *Community Charter*
- Section 205(1)(d) Regional District Directors: application of *Community Charter*

- In the agenda, include the applicable subsection of the *Community Charter* under which the meeting or part of the meeting is being closed and a general description of the item to be discussed without compromising the reason for closing the meeting; and,
- Provide a provision that states the conduct expectations set out in the procedure bylaw for council or board members continue to apply during closed meetings.

Meetings that must be closed to the public include:

*Community Charter* section 90(2):

- Request under FOIPPA
- Negotiations between federal or provincial government
- Matters being investigated by the Ombudsperson
- Matters under another act where the public must be excluded
- Review of final performance audit report for purpose of providing comment to the Auditor General for Local Government

## Notice

Notice of regular council or board meetings is part of public engagement and local government openness, transparency and accountability. The notice section of a procedure bylaw provides consistency around when and where information is posted giving the date, time and place of meetings. This provides adequate time for elected officials and local government staff to become aware of meetings and understand and prepare for the issues to be discussed. Public notice also allows the public the opportunity to become aware of the topics for discussion and to make an informed decision as to whether to attend a meeting.

Council and boards may wish to consider public notice options beyond the legislative notice requirements. This may include providing meeting information on the local government website, in recreation facilities, on social media and providing an option for the public to subscribe to an email service to receive automatic notice of meetings, minutes and/or agendas.

## Regular and Committee Meeting Notice

Procedure bylaws must establish public notice requirements for regular or committee meetings of council or board.

### Municipalities Notice of Regular and Council Committee Meetings

#### Legislative Requirements

- Identify places to be public notice posting places;
- Make publicly available the schedule of the date, time and place of regular council meetings;
- Provide public notice of the availability of the schedule for regular council meetings at least once a year in accordance with *Community Charter* public notice requirements;
- Provide advance public notice of the date, time and place of council committee meetings and establish the procedures for giving notice; and,
- Provide advance public notice of the time, place and date for council committee meetings and establish a procedure for giving that notice in the procedure bylaw.

#### Municipalities

*Community Charter*

- Section 94 Requirements for public notice
- Section 124(d)-(e) Procedure bylaws
- Section 127 Notice of council meetings

## Regional Districts Notice of Regular and Board Committee Meetings

### Legislative Requirements

- Provide advance public notice of the date, time and place of board and board committee meetings and establish the procedures for giving notice; and,
- Identify places to be public notice posting places.

### Regional Districts

#### *Local Government Act*

- Section 225(1)(b) and (c)  
Procedure bylaws

### Best Practices for Municipalities and Regional Districts

- Regional districts may provide notice in accordance with *Community Charter* section 94 public notice requirements of the availability of the schedule of regular meetings at least once a year in the public notice posting places (required of Municipalities);
- Outline a process to give notice of postponed/cancelled meetings or revised meeting schedules;
- Identify whose role it is to post notice to the public notice posting places;
- Provide enough notice time for the public to be aware of committee meetings;
- Provide written notice of committee meetings to each committee member;
- Post regularly scheduled committee meeting dates, times and locations in the public notice posting places; and,
- Provide how the public may access the meeting remotely, if available.

### Special Meeting Notice

A special meeting is a council or board meeting other than a regular or statutory meeting. Special meetings are held to address specific items outside of the regular meeting schedule, for example review of the proposed

financial plan or to debate a major project or event. Local government legislation has public notice requirements for special council and special board meetings.

### Municipalities

#### *Community Charter*

- Section 20 Emergency powers

If there is an emergency the legislation provides flexibility for a council or board to do what is necessary when proper notice of a special meeting

can not be given. Best practice is for councils and boards to use this authority thoughtfully and sparingly for example – illness of the majority of members, sudden economic crisis or some other sudden event, such as a natural disaster or pandemic, that requires immediate decision or debate.

Notice of special meetings may be waived by a unanimous vote of all council or board members; however, it is best practice to use the authority to waive notice of special meetings sparingly.

### Regional Districts

#### *Local Government Act*

- Section 295 Emergency powers

## Municipalities

### Legislative Requirements

- The mayor may call a special council meeting at their discretion;
- Two or more council members may, in writing, request that the mayor call a special meeting;
- Two or more council members may themselves call a special council meeting, if:

- within 24 hours after receiving a request the mayor has not arrange a special council meeting to be held in the next seven days; or,
- both the mayor and the person designed to act in place of the mayor are absent or otherwise unable to act.
- Provide notice at least 24 hours before the special meeting by posting a copy of the notice in the regular council meeting place and the public notice posting places, and leave one copy for each council member at the place to which the member has directed notices be sent;
- Notice must include the date, time and place of the meeting, describe the purpose of the meeting and be signed by the mayor or the corporate officer;
- Notice of a special council meeting may be waived by unanimous vote of all council members; and,
- If the procedure bylaw allows for electronic meetings, and the special meeting is to be held electronically the notice must include how the meeting is to be conducted and where the public may attend to hear, the proceedings that are open to the public.

### **Municipalities**

#### *Community Charter*

- Section 126 Calling of special council meetings
- Sections 127(2)-(4) Notice of council meetings
- Section 128(2)(c)(i) Electronic meetings and participation by members

### **Best Practices**

- If possible, provide more than the minimum 24 hours' notice;
- If the special meeting notice requirements are waived by council, clearly document the reasons why in the minutes and try to provide some notice to the public;
- Provide notice of postponed special meetings on the website and social media; and,
- If notice is provided for a special meeting, include in the notice how the public may access the special meeting if it is held electronically.

### **Regional Districts**

#### **Legislative Requirements**

- On request of the chair or two directors, the corporate officer must call a special meeting;
- The corporate officer must provide notice of the special meeting to each director by mail at least five days before the meeting date;
- Notice must state the general purpose, date, time and place of the meeting;
- Notice of a special meeting may be waived by a unanimous vote of all directors; and,
- In the case of an emergency, with consent of the chair and two directors, notice of a special meeting may be given less than five days before the date of the meeting and does not have to be written.

### **Regional Districts**

#### *Local Government Act*

- Section 220 Calling of special board meetings
- Section 222 Regulations establishing special rules for dealing with urgent issues
- *Regional District Special Voting Regulation B.C. Reg 41/91*

### **Best Practices**

- Outline a process to provide public notice of special meetings; and,
- If the special meeting notice requirements are waived by the board, clearly document the reasons why in the minutes and try to provide some notice to board members and the public.

## Municipalities

### Community Charter

- Section 124(2)(d)
- Procedure bylaws

## Committee of the Whole Meeting Notice

If a council or board holds Committee of the Whole (COTW) meetings then a procedure to give advance public notice must be established (details under Committee of the Whole Meetings, page 27).

### Legislative Requirements

- Provide advance public notice of the date, time and place of COTW meetings and establish the procedures to give notice.

### Best Practices

- Provide notice of the annual schedule of regular COTW meetings at least once a year in the public notice posting places;
- Provide enough notice time for the public to be aware of COTW meetings;
- In the notice of an upcoming COTW meeting, include some information about the topics to be discussed so the public can understand the purpose of the meeting; and,
- Provide public notice of any revised or cancelled COTW meetings.

## Regional Districts

### Local Government Act

- Section 225(1)(b)
- Procedure bylaws

## Technology

The use of technology during meetings and in preparation for meetings may be considered in the procedure bylaw and as new technologies are introduced. A balance between transparency and privacy needs to be carefully considered when technology is being used at meetings. The use of technology must adhere to the requirements under the *Freedom of Information and Protection of Privacy Act*.

Councils and boards may establish a technology policy that considers the use of technology in meetings for issues that may arise when technology is used for meeting minutes, agendas and the video recording or livestreaming of meetings.

A technology policy may also include:

- the authority for the CAO or Corporate Officer to interrupt the recording or remove the recording from the website due to content that may or must be discussed in a closed meeting;
- procedures to ensure the public are made aware that the meeting may be recorded including for example, signage and verbal notification at the start of the meeting;
- storage, retention, copyright and distribution of meeting video recordings;
- how long the recordings will be publicly available and retained;
- a process to follow if there is a technology failure during a meeting; and,
- the use of cell phones during meetings.

### Best Practices

- Provide that the presiding member may require video recording devices be placed in a designated location;
- For regional districts where the Special Voting Regulation (B.C. Reg. 17/98) applies outline how voting will be conducted at meetings if electronic voting is available (details in Tie Votes box, page 22); and,
- Include what to do in the event of a loss of quorum due to loss of electronic communication links. For example, adjourn the meeting and reconvene as soon possible once quorum can be achieved and public notice requirements met or at the next meeting.

## Minutes

Providing council or board members and the public with meeting minutes supports local government transparency and accountability. Clear processes around minutes in procedure bylaws provides guidance and expectations to council or board members, local government staff and the public.

The requirement to take minutes applies to open and closed meetings. The corporate officer must ensure that minutes are accurate, including minutes of closed meetings. Minutes of closed meetings must record the names of all persons in attendance. The legislation permits the council or board to allow one or more municipal officers and employees to attend or exclude them from a closed meeting. Elected officials may want to limit the circumstances in which the corporate officer or another staff person able to take minutes is excluded from closed meetings.

Allow adequate time between meetings to publicly post the draft minutes so elected officials and the public have an opportunity to review and provide feedback to the corporate officer before they are considered for adoption. This may lead to fewer last-minute changes or challenges to the record of minutes. Mark draft minutes as “DRAFT” and include a statement outlining how they become official.

### Municipalities

#### Legislative Requirements

- Municipal procedure bylaws must provide for the taking of minutes of municipal council and committee meetings, including certification of those minutes;
- Rules for taking minutes at council committee meetings applies to meetings of other bodies, unless the procedure bylaw provides for other procedures for taking of minutes by a body established by council; and,
- Copies of council minutes must be made available to the public.

### Regional Districts

#### Legislative Requirements

- Regional district board meeting minutes must be legibly recorded, certified as correct by the designated regional district officer and signed by the chair or acting chair at the meeting or at the next meeting at which they are adopted; and,
- Copies of board minutes must be made available to the public.

#### Best Practices for Municipalities and Regional Districts

- Outline where the minutes of all open meetings are posted for the public (for example, public notice posting places and municipal or district website);
- In the procedure bylaw, provide a reasonable time frame or refer to a policy for when the draft minutes are available to council or board, staff and the public before the next regular meeting;
- Provide a reasonable time frame for provision of the certified minutes to council or board and the public;

### Municipalities

#### *Community Charter*

- Section 124(2)(c) Procedure bylaws
- Section 145 Application of procedure rules to other bodies
- Section 91(1)(3) Other persons attending closed meetings
- Section 97(1)(b) Other records to which public access must be provided

### Regional Districts

#### *Local Government Act*

- Section 223 Minutes of board meetings and committee meetings
- Section 226 (1)(a) Board proceedings: application of *Community Charter*
- Section 268 Other public access requirements: application of *Community Charter*

- If appropriate establish alternate procedures for minute taking for commissions and other bodies. For example, allow for less formal methods of record-keeping that may be more cultural appropriate; and,
- Refer to the applicable policy for administrative fixes to allow the corporate officer to make minor corrections to the certified minutes, such as minor typos and sequential numbering errors.

## Agendas

The legislation does not set out requirements for meeting agendas; however, procedural rules (for example, Robert’s Rules of Order) provide guidance for managing meeting agendas. Including the process for accepting agenda items in the procedure bylaw assists elected officials and local government staff clearly understand how to add items and manage the agenda.

The public may bring items forward to a council or board for consideration (details under Addressing Council or Board, page 25).

Local governments with extensive agendas may have a process for putting items on a consent agenda for efficiency. Consent agenda items usually include non-controversial items where no further debate is required. A consent agenda is not a separate agenda, but rather a separate item on the meeting agenda. Items may be separated out from the consent agenda at the meeting if there are objections from members.

Councils and boards may wish to develop an internal policy for closed meeting agendas to ensure they are kept confidential until a decision to disclose the information has been made. For example, only provide agendas in hard copy on coloured paper, distribute the agenda at the start of the closed meeting and collect all agendas at the end of the closed meeting.

### Best Practices

- Include a standard order of business for regular, closed and special meetings;
- Provide a time frame and method for acceptance of agenda items and whether/how late items may be added;
- Provide a reasonable time frame for how far in advance agendas are provided to council or board, staff and the public;
- Indicate whether members will receive a hardcopy or electronic versions of the agenda;
- Outline where regularly scheduled meeting agendas are available to the public (for example, public notice posting places and municipal or regional district website);
- Provide a procedure for how a council or board member can bring forward an item of business that is not on the agenda and how it is dealt with – commonly referred to as a “Notice of Motion” (details in Understanding Motion and Notice of Motion box, page 20):
  - notice of motion may be made in writing to the corporate officer;
  - whether the motion needs to be seconded by another member of the council or board;
  - provided to the corporate officer in advance of the meeting by a certain timeline;
  - if the notice of motion is made during a meeting it is added to the agenda of the next regular board meeting, or to the agenda of a special board meeting for that purpose;
  - inclusion of background materials; and,
  - whether consideration of the Notice of Motion is postponed if the member who introduced it is not present at the meeting and it is on the agenda, unless they have provided written consent.

- Provide that council or board can proceed with a notice of motion on the agenda if the member adding the item is not present if the majority of the council or board resolves to proceed.

### Understanding Motion and Notice of Motion

A motion is a proposal made by a member of council or board to bring forward an idea and specific course of action. Typically, council may debate and vote on a motion only if it is made by one member and seconded by another. A motion may be made during a regular meeting and added to the agenda, but typically with the permission of the council or board. If a motion is not decided upon, it may be referred to a committee meeting.

The notice of motion is the written motion provided by the member to the corporate officer to be added to the agenda. Procedure bylaws typically include a procedure outlining details for how a notice of motion is made and the item put on the agenda of a meeting. The procedure bylaw also provides procedures for consideration of the notice of motion at a meeting. Prior notice of a motion is important, particularly if there is likely to be disagreement.

## Bylaws and Resolutions

Councils and boards may only make decisions by bylaw or resolution. In some cases, provincial legislation requires that a local government power be exercised by bylaw only – if the legislation does not specify a bylaw is required, local governments have the choice to either pass a bylaw or a resolution.

### Municipalities

#### *Community Charter*

- Section 122 Exercise of powers by bylaw or resolution
- Section 124 Procedure bylaws

Bylaws may be used for a variety of purposes – to establish meeting procedures, regulate services, for long-term borrowing, prohibit an activity, or require certain actions. Local governments may exercise certain statutory authority through resolution, which is a formal record of decision by a council or board.

Local government legislation provides the general requirements for councils or boards to adopt, amend or repeal bylaws. The procedure

bylaw may outline additional process requirements established by the council or board that are specific to that local government.

### Legislative Requirements

- Before a bylaw is adopted, it must be given three readings;
- A bylaw may be given up to three readings at one meeting;
- There must be at least one full day between the third reading and the adoption of a bylaw (some exceptions apply);
- Bylaws that require the approval of Cabinet, a Minister, the Inspector of Municipalities or the electors must receive Provincial approval between third reading and adoption in a specified sequence;
- If a public hearing is required for a land use bylaw (for example, official community plan amendments) the hearing must be held after first reading and before third reading; and,

- Once the bylaw is adopted, the chair at the meeting where the bylaw was adopted, and the corporate officer must sign the bylaw.

### Exceptions

- Municipal and regional district official community plan and zoning bylaws may be adopted at the same meeting as third reading provided the bylaw does not require Provincial approval; and,
- Regional district bylaws that do not require approval, consent or assent before they are adopted may be adopted at the same meeting as third reading, if the motion for adoption receives at least 2/3 of the votes cast.

### Best Practices

- Outline how a resolution or bylaw may be introduced at a meeting;
- Provide the corporate officer with a written copy of a notice of motion bringing forward a bylaw or resolution before a meeting;
- Provide a copy of the proposed bylaw or resolution being introduced to each member at least 24 hours before the meeting;
- Provide that a motion to waive the 24 hours requirement may be passed by unanimous vote of all council or board members;
- Allow for the corporate officer to consolidate one or more of the municipal or regional district bylaws for official use;
- Refer to an administrative fix policy to allow the corporate officer to make minor corrections to bylaws at third reading and adopted bylaws, such as spelling mistakes and sequential numbering errors; and,
- Provide that an adopted and signed copy of a bylaw be kept on record.

### Regional Districts

#### *Local Government Act*

- Section 207 General rules: voting on resolutions and bylaws
- Section 225 Procedure bylaws
- Section 226 Board proceedings: application of the Community Charter
- Section 227 Bylaw procedures: application of *Community Charter*
- Section 228 Bylaw adoption at same meeting as third reading
- Section 465 Public hearing procedures

## **Tie Votes**

In the case of a tie vote at a council meeting or regional district board meeting, the motion is defeated.

## **Municipal Voting**

Each council member, including the mayor, has one vote on any question and decisions are made by a majority of the council members present at the meeting. All council members present at the time of the vote, must vote on the matter (unless they declare a conflict of interest) and if they do not indicate how they have voted, the council member is deemed to have voted in the affirmative.

## **Regional District Voting**

Voting on regional district boards can be complex because regional districts are made up of jurisdictions of different size populations that may participate in different services. The general rules on voting on resolutions and bylaws still apply. Voting on resolutions and bylaws is decided by a majority of the votes cast, and in accordance with Division 3 of the *Local Government Act* – Voting and Voting Rights. All board members present at the time of the vote, must vote on the matter (unless they declare a conflict of interest) and if they do not indicate how they have voted, the member is deemed to have vote in the affirmative.

Regional districts have three different voting mechanisms--unweighted corporate vote, weighted corporate vote and weighted stakeholder vote. These voting rules take into account participation in regional district services, corporate structure of regional districts, and the population of jurisdictions in the regional district. As a best practice many regional districts include the type of vote (stakeholder, corporate, weighted, unweighted) with the agenda item so there is a shared understanding of voting prior to the meeting.

For some regional districts, the Regional District Special Voting Regulation B.C. Reg. 17/98 provides that where the chairperson and one other director consider that the issue to be voted on is urgent and that calling a regular or special meeting to conduct the voting is impractical that for some issues electronic or telephone voting may be conducted. This kind of vote may not be conducted for annual budget bylaws, zoning bylaws, bylaws adopting official community plans or rural land use bylaws. Note: Only those regional districts listed in the schedule to this regulation may use the special voting regulation.

## **Reconsideration of a Council or Board Decision**

Occasionally, a council or board may wish to bring back a decision for reconsideration due to new information that has been brought forward following the motion or resolution being defeated. Local government legislation provides the authority for the mayor or chair to bring a decision back for reconsideration – subject to specific legislative restrictions. Reconsideration of council or board decisions is a complex issue that may require consideration of case law in addition to any procedures provided in the procedure bylaw.

Council or board members may also bring back a decision for reconsideration following the procedural rules referenced in the procedure bylaw (for example, Robert’s Rules of Order). The procedural rules for reconsideration may differ for committee or other meetings outside of regular council or board meetings.

## **Municipalities**

### **Legislative Requirements**

- A mayor may require the council to reconsider and vote again on a matter that was the subject of a vote;

- Reconsideration is restricted to the same council meeting as the vote took place or within 30 days following that meeting;
- A matter may not be reconsidered if it has received the approval or assent of the electors and subsequently been adopted or it has already been reconsidered by council;
- The matter under reconsideration must be dealt with as soon as convenient, and council has the same authority it had in its original consideration of the matter; and,
- If the original decision to adopt a bylaw or resolution is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

### **Municipalities**

#### *Community Charter*

- Section 131 Mayor may require council reconsideration of a matter

## **Regional Districts**

### **Legislative Requirements**

- A chair may require the board to reconsider and vote again on a matter that was the subject of a vote;
- A matter may not be reconsidered if it has received the approval or assent of the electors and subsequently been adopted or it has already been reconsidered by the board;
- The matter under reconsideration must be dealt with as soon as convenient, and the board has the same authority it had in its original consideration of the matter;
- If the original decision to adopt a bylaw or resolution is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed; and,
- The chair may return the matter for reconsideration at the meeting of the board following the original vote, whether or not this is within the 30-day period.

### **Regional Districts**

#### *Local Government Act*

- Section 217 Chair may require board reconsideration of a matter

### **Best Practices for Municipalities and Regional Districts**

- Following procedural rules (for example, Robert's Rules of Order) referenced in the procedure bylaw provide that a councillor or director who voted with the majority either for or against to put forward a motion for reconsideration (Note: this rule may differ for committee meetings);
- Include the process and circumstances under which reconsideration would be permitted by other council or board members, similar to those required of the mayor or chair (using the procedural rules resource referenced in the procedure bylaw as a guide);
- Provide a specific time frame for when a motion could be reconsidered, typically at the same meeting as the vote took place (restricted to 30 days for municipalities);
- Notice of motion be required and seconded by another member;
- Number of times the item can be reconsidered within a specific time period, typically once; and,
- Matters may not be reconsidered if they have been acted on irreversibly by an officer, employee or agent of the municipality or regional district (for example, if a contract is signed).

## **Electronic Meetings**

Special meetings held electronically can be a useful tool for councils and boards, however they should not be a substitute for in-person meetings. If a council or board chooses to have the option to hold special meetings electronically, the procedure bylaw must authorize it and include information on the electronic meeting process and electronic participation by members. Before the authority to conduct special meetings electronically is included in the procedure bylaw, a council or board needs to consider whether it has adequate technology and may wish to establish a technology policy to support electronic meetings.

A council or board may wish to allow for electronic special meetings in the procedure bylaw in case of an emergency such as a natural disaster or a pandemic.

### Legislative Requirements

- Authorized in the procedure bylaw;
- Provide notice of the way in which the meeting is to be conducted and the place where the public may attend the electronic special meeting;
- Provide a location for the public to attend;
- Facilities that enable the meeting's participants and the public to hear, or watch and hear, each other;
- Attendance of a designated officer at the meeting; and,
- The meeting must be conducted in accordance with the procedure bylaw.

#### Municipalities

##### *Community Charter*

- Section 128 Electronic meetings and participation by members

### Best Practices for Municipalities and Regional Districts

- Develop guidelines to assist with electronic meeting process:
  - the presiding member will ask each member by name to indicate 'yeah' or 'nay' on any vote;
- Allow for electronic special meetings in the event meeting in person is impractical or impossible or in the event of an emergency;
- Outline a process to follow if there is equipment failure or loss of quorum during an electronic meeting; and,
- Consider how to deal with declarations of conflict of interest or closed meeting issues.

#### Regional Districts

##### *Local Government Act*

- Section 221 Electronic meetings and participation by members
- *Regional District Electronic Meetings, B.C. Reg. 271/2005*

## Electronic Participation

Electronic participation at council or board meetings may occur if such participation is authorized in the procedure bylaw. Electronic participation at meetings enables elected officials to participate under circumstances where they are unable to be physically present.

#### Municipalities

##### *Community Charter*

- Sections 128(1)(b), (c) and 128(3) Electronic meetings and participation by members
- Section 132(1) Authority of presiding member

A potential challenge local governments may wish to consider is the implications if a presiding member were to attend electronically. For example, a presiding member may have difficulty observing and deciding on points of order that may arise during the meeting if they attending electronically. It is important for local governments to carefully consider the practical challenges that may arise as they establish electronic meeting procedures.

While the legislation does not preclude the presiding member from attending electronically this situation could pose challenges for those attending the meeting and may make it difficult for the presiding member to fulfill their duties.

### Legislative Requirements

- If electronic meetings are authorized in the procedure bylaw a member who is unable to attend a council or board meeting in-person may participate electronically;
- Members participating electronically are deemed to be present at the meeting; and,

#### Regional Districts

##### *Local Government Act*

- Section 221(2) Electronic meetings and participation by members

- Except for closed parts of the meeting, the public must be able to hear the member(s) participating electronically.

### Best Practices for Municipalities and Regional Districts

- Develop guidelines for electronic attendance at meetings so consistent practices are clear to all members:
  - identify a process for members to follow to notify the corporate officer, mayor or chair that they wish to attend electronically;
  - include a maximum number of members that may attend the same meeting electronically;
  - set out a process for the corporate officer to follow if more than the maximum number of members request to attend electronically;
  - include how agendas will be provided to those attending electronically;
  - identify maximum number of consecutive meetings which a member may attend electronically and provide that in the event of an emergency maximums do not apply;
  - identify maximum number of times per year or how often a member may attend electronically and provide that in the event of an emergency maximums do not apply;
  - ask that members identify others who are in the room with them if attending electronically;
  - ask that members eliminate background noise as much as possible if attending electronically;
  - include that members attending a closed meeting electronically must ensure that no other person is in the same room as the member during the meeting and that no other person can observe or hear the meeting; and,
  - outline the process for how members attending electronically can vote on a motion or participate in the debate.
- For accurate minutes and attendance, require that a member attending electronically inform the presiding member when they join and leave the meeting; and,
- Allow for electronic attendance at other kinds of meetings (for example, special or committee meetings).

### Addressing Council or the Board at Meetings

Councils and boards may establish rules in their procedure bylaw to allow speakers to present on a topic and allow for requests from the public (also known as public delegations) to appear at meetings. Local government legislation does not include specific requirements for public delegations at council or board meetings. A clear process for the public to engage with the council or board speaks to the principles of respect, accountability and collaboration. Established rules provide consistency and assist with meeting management.

*Local Government Act*

- Section 465(2) Public hearing procedures

The rules for the public to be heard at public hearings are different from council or board meetings. All people who believe their interest in property is affected by the proposed bylaw must be given a reasonable opportunity to be heard or present a written submission on the information provided in the bylaw that is the subject of the hearing.

There are other circumstances where the public has a right to be heard by council or board as a result of a decision made by council or board. For example, refusal of business licences or a person required to take remedial actions on their property.

A council or board may wish to include in their meeting notice alternate ways for the public to provide input about local government issues in the event they are unable to be present at a meeting or in the event of an emergency. To help the public understand how to address the council or board, the local government may provide an outline of the process on its website.

### Best Practices

- Outline in the procedure bylaw how the conduct provisions of the procedure bylaw applies to public delegations and presentations;
- Establish the section of a meeting when the public will be permitted to address council or the board;
- Communicate a process to the public for how to address council or board at meetings and include:
  - the process for a member of the public to request to speak at a meeting;
  - information required from the public in advance of the meeting (if any);
  - time frame for submissions for inclusion on the agenda;
  - limits on the frequency and length of presentations by delegations;
  - how requests to address council or board are handled by the corporate officer;
  - how many presentations or delegations may be heard per meeting and whether or not more may be added by resolution during the meeting;
  - whether someone may replace the person or delegation who requested to speak;
  - how the speaking order of presentations or delegations is determined. For example, formal delegations speaking on a particular issue may be given priority;
  - expectations around respectful conduct; and,
  - how disrespectful conduct is managed.
- Outline what the public may speak to and restrictions on certain topics at meetings (details in Restrictions box, page 27);
- If a topic comes before council or board that might affect the financial or operational plan allow for it to be referred to staff for a report before it is considered by council or board;
- If a new request to address a council or board is received at a meeting, provide an option for the presenter to address the council or board if approved by the unanimous vote of the members present;
- Provide an option for written submissions for those who are unable or do not want to speak at a meeting;
- Ask delegations to specify what they are seeking from council or board;
- Clearly state that items of a time sensitive nature may be heard first by a council or board; and,
- Provide alternate ways for the public to provide input on agenda topics. Alternate ways may include, by: email; phone; online submission form; or, virtual real-time question and answer period.

Local governments provide other opportunities for the public to provide comment and participate. For example, through:

- Questionnaire or a survey;
- Public consultation or open houses;
- Public hearings;
- Public approval opportunities for bylaws or loans; and,
- Public participation on committees or commissions.

## Restrictions

Restrictions of delegation topics may include:

- Subjects that do not fall within the jurisdiction of council or board;
- Bylaws where a public hearing is to be held;
- Matters subject to legal proceedings where a judgement has not been given;
- Publicly tendered contracts or proposal calls that have not yet been awarded;
- Staffing or labour relations matters;
- Applications, permits or licenses not yet considered by council or board;
- Information considered in closed meetings unless the information has been released; and,

## Committee of the Whole Meetings

Committee of the Whole (COTW) meetings are a non-binding committee made up of all council or board members that meets regularly throughout the year. COTW meetings are held to discuss or debate a topic less formally, develop common understanding, help reach consensus and develop recommendations to report back to the council or board. COTW meeting procedures are the same as regular meetings unless specific procedures are outlined in the procedure bylaw.

### Municipalities

*Community Charter*

- Section 124(2)(b)-(d)  
Procedure bylaws

It is best practice to refer regular meeting topics that need further discussion to a COTW meeting. Once the COTW has reviewed all matters on the agenda a motion may be made to refer recommendations of the COTW to the council or board for consideration.

### Legislative Requirements

- If a local government chooses to have COTW meetings they must establish rules of procedure for them in their procedure bylaw.

### Best Practices for Municipalities and Regional Districts

- Establish whether the procedure bylaw applies to COTW or set out separate COTW meeting procedures, including quorum;
- Provide public notice of COTW meetings;
- Post schedules of COTW meetings at the public notice posting places and on the local government website;
- Rotate the chair to provide opportunity for skill development and succession planning;
- After consideration and approval of COTW agenda items, the COTW refers those items back to the full council or board for approval; and,
- Prepare terms of reference for COTW.

### Regional Districts

*Local Government Act*

- Section 227 Bylaw procedures: application of *Community Charter*

Delegation allows the delegated person or body to conduct detailed and focused consideration of the operation or administration of a service or function and to make decisions to the extent authorized.

## Reconsideration of Decision Made by Delegate

Local government legislation allows for a council or board to delegate its powers to a committee, an officer or employee of the municipality or regional district, or another body established by the council or board. For example, a council or board may delegate authority to the Chief Administrative Officer or Corporate Officer to enter into contracts up to a maximum amount.

Procedures for the delegated authority are included in a separate “delegation bylaw”; however, a procedure bylaw includes the process to appeal a decision (reconsider) where a council or board has delegated authority to an officer or employee, or another body established by the council or board.

## Municipalities

### Legislative Requirements

- A council may by bylaw establish a right to have decisions made by a delegated authority reconsidered by council. (Note: There are some powers a council may not delegate, for example, the power to adopt a bylaw);
- There are also some matters where the legislation establishes a right of reconsideration by council (for example for refusal of a business licence or required remedial actions);
- If a council delegates its decision-making power it must, by bylaw, establish procedures for reconsideration, including how an application for reconsideration can be made;
- In undertaking a reconsideration, council has the same authority as conferred upon the delegate; and,
- If there is a right to seek reconsideration, the person subject to the decision must be advised.

### Municipalities

#### *Community Charter*

- Section 154 Delegation of council authority
- Section 155 Special rules respecting delegation of hearings and other proceedings
- Section 156 Reconsideration of delegate’s decision

## Regional Districts

### Legislative Requirements

- A board may delegate a power, duty or function only by bylaw adopted by an affirmative vote of at least 2/3 of the votes cast;
- If a board delegates its decision-making power and in relation to that delegation, an enactment establishes a right to have a delegated decision reconsidered by the board; the board must, by bylaw, establish procedures for reconsideration, including how an application for reconsideration can be made;
- In undertaking a reconsideration, the board has the same authority as conferred upon the delegate; and,
- If there is a right to seek reconsideration, the person subject to the decision must be advised.

### Regional Districts

#### *Local Government Act*

- Section 230 Bylaw required for delegation
- Section 232 Reconsideration of delegate’s decision

### Best Practices for Municipalities and Regional Districts

- Include how a council or board may reconsider a delegate’s decision in the delegation bylaw and include a cross reference to it in the procedure bylaw; and,
- Outline the process if a person wants to appeal a delegated decision, for example:
  - submit a written request, that includes the reasons why the person wishes to have the decision reconsidered, to the corporate officer prior to the meeting where the appeal is to take place; and,
  - a person may appear before council or board as a delegation at the meeting which the appeal is taking place in order to present their position.

## Quorum

Quorum is the minimum number of members that must be present to make the considerations at a meeting valid. Quorum is required at council and board meetings to ensure agenda items are properly considered by elected officials.

Members attending electronically are deemed to be present if electronic participation is provided in the procedure bylaw. Procedure bylaws may include what steps can be taken in the event there is not quorum. This ensures a process is in place to adjourn the meeting in the event there is no quorum.

### Best Practices

- Provide a specific time period to wait for council or board members to arrive;
- Corporate officer records the names of those members present;
- Include a procedure for adjourning the meeting until the next meeting date or until another meeting is held if quorum is not met for the current meeting or if quorum is lost due to means of electronic communication or technology issues; and,
- Include a clause that sets out the quorum requirements for committees.

## Correspondence

Local governments may have a policy in place that outlines how correspondence that is addressed to council or board is managed. The procedure bylaw may refer to the policy or state the procedures to handle correspondence that is addressed to council or board.

### Best Practices

- Outline what kind of correspondence is accepted and how it is received;
- Provide a process for how council or board is provided with correspondence (for example, on a secure website) and how it may be added to the agenda of an appropriate council or board meeting; and,
- Outline the process for the corporate officer to take if correspondence does not meet the criteria for which correspondence is accepted.

Refer to *the Freedom of Information and Protection of Privacy Act (FOIPPA)* for consideration in how to manage and protect the collection of personal information in-person and online.

If the correspondence is placed on a public agenda, ensure personal information is protected.

### Municipalities

#### *Community Charter*

- Section 118 Size of council
- Section 129 Quorum for conducting business
- Section 128 Electronic meetings and participation by members

### Regional Districts

#### *Interpretation Act*

- Section 18 Majority and quorum

## ADDITIONAL RESOURCES

See below for examples of procedure bylaws that may be useful if a council or board is amending a procedure bylaw. These examples are not an exhaustive list and are provided as a starting place. Any questions about the content of the bylaw, the process in developing it or whether it has been subject to legal review should be directed to the local government.

### Examples of Procedure Bylaws

- [Capital Regional District \(PDF\)](#)
- [Cariboo Regional District \(PDF\)](#)
- [City of North Vancouver \(PDF\)](#)
- [District of Sparwood \(PDF\)](#)
- [Village of Lumby](#)

### Code of Conduct Resources

- [Conduct of Locally Elected Officials webpages](#)
- [Foundational Principles of Responsible Conduct \(PDF\)](#)
- [Getting Started on a Code of Conduct for your Council/Board \(PDF\)](#)
- [Model Code of Conduct \(PDF\)](#)

### Delegation Resources

- [Municipal Delegation of Powers or Duties](#)
- [Regional District Delegation of Powers or Duties](#)
- [A Guide to Regional District Board Delegation to Committees and Commissions \(PDF\)](#)

### Local Government Meetings

- [“Other Procedures” Section for Regional District Boards](#)
- [Ombudsperson Guide - Open Meetings: Best Practices for Local Governments \(PDF\)](#)
- [Regional District Voting](#)
- [UBCM Fact Sheet – Regional Districts \(PDF\)](#)



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